

Waste Compliance and Mitigation Program Staff Report
Modified Solid Waste Facilities Permit for the Recology San Martin Transfer Station
SWIS No. 43-AA-0003
April 9, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Clara County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Recology San Martin Transfer Station, SWIS No. 43-AA-0003, located in Santa Clara County, owned by Recology Properties, Inc. and operated by Recology South Valley. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on January 8, 2014. A new permit was received on February 25, 2014. If no action is taken by April 26, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2010 SWFP)	Proposed Permit
Permitted Traffic Volume	495 vehicles per day	275 vehicles per day
LEA Permit Condition No. 17 (j)	Six (6) months prior to 2/3/2013 the operator must submit a plan for the closure and removal of all waste, waste handling operations and equipment and shall concurrently apply for a revision of this permit, if for any reason closure cannot occur.	condition removed
LEA Permit Condition No. 17 (m)	None	Dust control improvements must be implemented to reduce the current amount of fugitive dust leaving the site. Improvements must include paving the front entry lane between the northern gate and the scale house. Also it will be necessary to install and maintain an all-weather tipping pad for the loading of green and wood waste in the back of the property. Plans and scheduling for these projects shall be reviewed and approved by the LEA and construction completed before the end of 2014. The future condition of these two new surfaces, and all other surfaces shall be maintained in good repair to minimize dust, ponding, and surface water intrusion

Other Changes include:

1. Updates to the documents that describe and/or restrict the operation of the facility i.e. Injury, Illness Prevention Plan (1/15/2010), Conditional Use Permit (11/21/2013), Approved Home Generated Sharps Consolidation Point – Authorization Form (12/05/2013) and RWQCB waiver – Order No. R3-2004-0006 (09/27/2011).

Key Issues

The proposed permit will allow for the following:

1. The removal of LEA Terms and Conditions 17(j) to eliminate any reference to the existing facility closure date of February 3, 2013. The facility remained open since the lapse of this date by entering into a stipulated notice and order, which delayed the execution of the closure requirements, pending Use Permit approval.
2. The reduction of the facility's permitted traffic limit from the current 495 vehicles per day to 275 vehicles per day to reflect the reduced needs for the facility and the actual reduction of overall traffic that utilizes the facility.
3. Addition of LEA terms and condition 17(n) that gives a directive to implement dust control improvements to reduce the current amount of fugitive dust leaving the site. Improvements must include paving the front entry lane between the northern gate and the scale house. The LEA also directs the operator to maintain an all-weather tipping pad for the loading of green and wood waste in the back of the property.

Background

San Martin Transfer Station is a municipal solid waste handling facility located at 14070 Llagas Avenue, in the city of San Martin, operated by Recology South Valley and owned by Recology Properties, Inc. Recology Properties, Inc. is the municipal solid waste collection company that serves Gilroy, Morgan Hill, San Martin, and other unincorporated areas in southern Santa Clara County.

San Martin Transfer Station has been in operation since 1987 and has been collecting, processing, and transferring solid waste and recyclable materials from the surrounding cities and other parts of the unincorporated southern Santa Clara County. The transfer station facility occupies 8.3 acres, of which about 5.5 acres are utilized for site operations. Existing facilities on site include a transfer station, a recycling operations building, a loading bay, weigh scale, and a scale house.

Findings:

Staff recommends concurrence with the issuance of the proposed modified Solid Waste Facilities Permit. All of the required submittals and other findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 31, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 31, 2013. The LEA provided a copy to the Department on January 8, 2014. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on February 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 8, 2014 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated February 20, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 18, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on January 8, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required Public Notice was posted by the LEA at the subject Facility and at the County of Santa Clara Department of Environmental Health office. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed modified solid waste facilities permit. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 18, 2014 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Based on the LEA's monthly inspection reports during the last five years, the facility has had no violations noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Santa Clara, Planning Office, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Removal of the February 3, 2013 facility closure date on LEA condition 17(j) of the existing SWFP.
- Reduction of permitted traffic limit at the facility from 495 vehicles per day to 275 vehicles per day.

These changes are supported by the following environmental document.

An Addendum to Environmental Impact Report (EIR), State Clearinghouse No. 2002052087 addressing the removal of the time limit for operating was filed by the County of Santa Clara, Planning Office on October 3, 2013.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice for the modified SWFP in accordance with Title 27, Section 21660.3. No public comments have been received by Department staff or LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on February 18 and March 18, 2014.